

**BOARD OF SELECTMEN
MEETING MINUTES
December 1, 2003**

PRESENT: THOMAS C. REYNOLDS JR, CHAIRMAN; DOUGLAS R. COOK, Co CHAIRMAN; BRIAN MCDONALD, SELECTMAN; LEON G. METHOT, SELECTMAN; LAURA PETRAIN, SELECTMAN.

ADMINISTRATIVE COORDINATOR: ROBERT CHRISTENSEN
RECORDING SECRETARY: KELLY BUMPUS

GUEST: John Nikias, Frank Campana, Donna Osborne, Jon Osborne, Harry Brown, Don Boisviert, Gary Bisson, Gene Bilodeau, Matt Pelletier, Joe Cox, Sherry Butt Dunham.

The Selectmen's Meeting was held at the Town Office Building. Chairman Reynolds commenced the meeting at 6:30 p.m.

Chairman Reynolds asked that everyone stand for the Pledge of Allegiance.

1. PUBLIC PARTICIPATION

Donna Osborne – Ms. Osborne asked the status of the ride-alongs for the highway department? Chairman Reynolds stated that they are waiting on the waiver that was sent to the attorney.

2. OLD BUSINESS

Floating Holidays –

Selectman Cook discussed overtime compensation, in the same pay period as floating holidays are taken by Town employees. Selectman Cook reviewed the contents of the Personnel Policy in regards to overtime compensation and holidays and found that it covered vacation time, sick time, compensation time, and bonus hours, but not holidays. Selectman Cook stated that this needs to be addressed.

Meeting Minutes –

Chairman Reynolds made a motion to accept meeting minutes for October 20, 2003. Seconded by Selectman Cook. A vote was taken. Motion passed 3 in favor, 2 abstentions(Selectman Methot, Selectman Petrain).

Chairman Reynolds made a motion to accept meeting minutes for October 27, 2003. Selectman McDonald made a motion to amend the motion pending any corrections that may need to be made. Seconded by Selectman Cook. A vote was taken. Motion passed 4 in favor, 1 abstention(Selectman Methot).

Safety Complex –

Chairman Reynolds asked if all insurance has been addressed for the Safety Complex. Selectman Cook stated that insurance has been taken care of. Selectman Cook stated that there are phone lines in the Safety Complex, however, there will be a change in the phone system from the one previously used. Selectman Petrain asked if they will incur a penalty for canceling the current contract for those phone lines. Selectman Cook stated he was unsure. Selectman Methot stated he believes there will be a penalty. Selectman Cook requested Mr. Christensen find out the cost, if any, for canceling those lines. Selectman Cook informed the Board that they have been provided with a current statement of accounts for the Safety Complex. He stated that there is a balance of \$25,517.00 of which \$17,000.00 is from the Chicoine contract which they will be credited. Of the \$17,000.00, \$9,000 was a security deposit, and the remaining \$8,000.00 is money saved. Selectman Cook stated that this will cover the cost of the phone system. Selectman Cook stated that everything with this project had gone smoothly with Chicoine and its subcontractors were very helpful and flexible with requested changes. Selectman Cook stated the remaining balance of around \$8,000 is also a refund and some of this has been spoken for to cover the guardrails and stabilizing the bank. Selectman Cook suggested the remainder of the refunded money be put into an account to cover any unexpected expenses that arise at the Safety Complex. Selectman McDonald thanked Selectman Cook for the time he has spent on the project. Selectman Cook stated that it was a pleasure to work with the individuals involved.

3. PUBLIC HEARING

Chairman Reynolds opened the Public Hearing for the purpose of discussing the ATV Club using Town property.

Mr. Harry Brown from the ATV Club stated that the first issue they would like to address involves Melvin Valley Road and Mary Hadley Road. Mr. Brown stated that they have sent out certified notices to the abutters, and met with the Conservation Commission as requested by the Board. Mr. Brown stated that the second issue involves the Town Forest. Chairman Reynolds asked for public comments.

John Nikias – Mr. Nikias stated that he has a problem with permission being given. He stated that it effects people who cannot see the trail and makes dust and dirt on property and vehicles. Mr. Nikias stated that he has seen this happen in Pittsburg and said before

long there will be people coming in from out of state using the trails. Mr. Nikias stated that there is no way to control access. Mr. Brown stated that the Selectmen will be allowing access to the ATV Club only, and they will be the only ones legally able to ride the trails. Mr. Nikias stated that he feels it is a bad decision and effects more than the direct abutters. Mr. Brown stated that the club is looking to gain access from one trail to another on private property and this would link these. Mr. Nikias stated that ATVs are the only motorized vehicles that cannot access class VI roads. Mr. Brown stated that they are only looking to cross the roads and they are away from everything. Mr. Nikias asked what will stop people coming in from out of state? Mr. Brown responded that the club has only used private club money and not accepted any State funds, so the town has the ability to restrict access on any trail. Chairman Reynolds stated that if there is a problem the Board can put a stop to it. Mr. Nakias stated that this will grow over time and he is totally against public property being used by ATV's.

Selectman Methot asked if the club carries general liability insurance? Mr. Brown stated that they are currently looking into it and are aware insurance will be needed. Mr. Brown then stated that the second item they are here to request, is access on either side of Melvin Valley Road. The Board reviewed the map. Mr. Brown provided photos of the area. Mr. Brown stated that there is a large area of wetland and the photos show that the area is currently being used as a trail and suggested that the Town block that area off. Mr. Brown stated that the property they are requesting use on is not close enough to negatively impact any water area. Mr. Brown stated that there is evidence that people are out in this area now. Chairman Reynolds asked if there is a response from the Conservation Commission. Selectman McDonald stated that the commission has some concerns, but are basically in favor of this idea. Mr. Brown explained that they had initially thought they would need to cut a new trail in this area since they had no idea that there was an existing trail in such good condition. Due to the current trail being there, cutting a new one is not needed.

Jeffrey Brown – Mr. Brown stated that there is a RSA in existence which protects property owners who open up their property for public use. Mr. Brown stated that the Town has very little liability if someone should get hurt and stated he would provide the Board with the RSA. Selectman Methot stated that there is some liability to the Town. He stated that it has to do with wetlands damaged by an ATV. He stated that the landowner is liable for wetland damage.

Gary Bisson – Mr. Bisson stated that in regard to the request to go through the Town Forest, back in 1996 1997 the Conservation Commission banned trapping on Town property. He stated that the Conservation Commission also banned hunting between January and April. Mr. Bisson stated that he is familiar with the trail they are speaking

of and does believe that ATV use would scar the land and that it will effect wildlife. Mr. Bisson stated that it is impossible to prevent others from using the trails. Mr. Bisson went on to state that he feels there is a conflict of interest with this subject and Selectman Cook due to his business. He stated that he feels it should go on a warrant article. Mr. Bisson stated that if you increase the number of people in the area, then you increase the chance that someone will get hurt. He stated that the Town Forest should be forest and left as a sanctuary so there will be somewhere to hunt in the future.

Selectman Petrain stated that she would like the Board to consider issuing an annual permit on this issue. She stated this will set the public's mind at ease knowing this is not a permanent thing. Selectman McDonald stated that permission can be revoked at any Monday night meeting. Mr. Brown stated that Fish and Game will be responsible for enforcement with regard to non-members riding the trails. He stated that if they take down a person's registration, they can turn it in to Fish and Game and they will take care of the situation.

Ernie Bisson – Mr. Bisson stated that he had heard some mention from Mr. Brown that they were unsure if they are dealing with Town property or private property in a particular section. Chairman Reynolds stated the ATV Club had asked permission from both the Town and Mr. Bolton, so they are covered either way.

Neal Kurk – Mr. Kurk stated that he wanted to let the Board first know that he keeps driving by the new Safety Complex and it looks great. Mr. Kurk stated that he supports what the ATV Club is trying to do, and he stated that he has a couple of concerns. First that they make sure the land is used in accordance with how the property owner intends. Second, that the Town maintains the ability to revoke permission. Mr. Kurk suggested having a time limit. He stated that this is a well organized club and he supports it.

Frank Campana – Mr. Campana stated that he views the Town Forest as conservation land. He stated that he encourages the Board to protect the forests as they are. Mr. Campana asked if the snowmobile club uses Town land, and if they had asked permission. Mr. Campana said if the answer is no, the same rules should be held for the ATV Club. Mr. Campana then asked why the State would want to enforce a private trail? Mr. Brown stated that their registrations are through the State and it is the State's responsibility. Mr. Brown stated that as for the snowmobile club, the ATV Club has worked with them and they have two sets of trails that do not run on top of each other. He stated that they try to make the trails parallel.

Ernie Bisson – Mr. Bisson stated that in regards to an early comment from someone stating that this is just the start and it will lead to more, Mr. Bisson stated that if he

heard correctly the ATV Club is already asking to cut on additional land from their original request. Selectman McDonald informed Mr. Bisson that they originally did not know there were pre-existing trails, so they were all under the impression that the entire trail would need to be cut.

Ernie Bisson – Mr. Bisson asked if you are allowed to cut Town Forest? Selectman McDonald stated that you need to obtain permission from the Town Forester and the Weare Conservation Commission.

Chairman Reynolds closed the Public Hearing at 7:58 p.m. and asked for Board discussion. Selectman Cook stated that he would like to address a couple of comments that had been made. Selectman Cook stated that back in 1996 the Conservation Commission had banned trapping at the time. He stated that the Conservation Commission at that time was very conservative. He stated that the current Conservation Commission is more flexible. Selectman Cook stated that out of the thousand of acres of Town land, hundreds and hundreds of acres are protected. He stated that not everyone hunts, not everyone traps, not everyone 4-wheels. He asked what good all the Town land is if you cannot enjoy it. Selectman Cook stated that there are areas that are pristine and should be protected as such, but not every single acre is pristine. He stated that we all have to recreate together and have access to the land. Selectman Cook stated that he feels the Conservation Commission has come around and if we want the Town's support in obtaining more land, we will need to make it available. Selectman Cook stated that it makes no sense to have all this land just to say that we own it and not use it and he stated that the Conservation Commission is fully involved with this issue. Selectman Cook stated that he feels this is a good thing. He stated that it puts more eyes and ears out there. He stated that the ATV club went out to Clough State Park with the help of the Highway Department and removed trash that was dumped there illegally. Selectman Cook stated that as for the comment that there is a conflict of interest because he sells ATVs, he does not see the conflict or how he will benefit monetarily.

Selectman Petrain stated that this is something they will need to see if it will work. She stated that the club is riding on private property now and they don't hear of any problems and she stated that it is not possible for the Town to be out there monitoring these areas. Selectman Petrain stated that the ATV club has really gone the extra mile and stated that the Board of Selectmen still maintain the ability to put a stop to it if there is a problem. She stated that she agrees with Selectman Cook that the Town property belongs to everyone and they should be able to use it. Selectman Petrain stated that she would like to see this move forward.

Selectman Methot stated he would like to see something in writing from the Town Forester and the Conservation Commission. He stated that he would also like to see

proof of insurance. He stated that the Town's people should have a say and it should be put out on a warrant article. He stated that it is a great idea but there should be a time limit put on it, two or three years maximum with a yearly review. He stated that it should not be up to a five member Board. Selectman Petrain stated that the Board of Selectmen were elected to make certain decisions. Selectman Petrain stated that if it is put out to a vote and there is a problem, will they have to wait until the next election to put a stop to it?

Selectman McDonald stated that he read the Conservation Commission's meeting minutes and they were in favor of this. He stated that he agrees about the insurance. As for a time limit, he feels there is no need because they can put a stop to it at any time. Selectman McDonald stated that he agrees if it is put on a ballot, they will have a difficult time putting a stop to it if necessary. He stated that he is a hunter and hates when everyone is penalized for the few people that will not follow the rules. He stated that two years ago their requests were turned down, but when it came time to write an ordinance they stepped forward to help out with it. Selectman McDonald stated that he supports this request 100%.

Chairman Reynolds stated that he supports the first item, but will need to monitor the second item closely. He stated that the Board is elected to make decisions such as this. He stated that any abuse and the Board will close it down. He stated that they are not going to know if it will work until they try it.

Chairman Reynolds made a motion to allow access to approximately 500 feet on Melvin Valley Road as stipulated on the map provided by the ATV club and approximately 600 feet on Mary Hadley Road. Seconded by Selectman McDonald. Selectman Cook asked if anyone on the Board felt there is a conflict of interest with him? Selectman McDonald stated that he can see why a connection would be made, but does not see that it is a conflict of interest. A vote was taken. Motion passed 4 in favor; 1 abstention(Selectman Cook).

Selectman McDonald made a motion to authorize the ATV club access to Town forest land as stipulated on the map pending written Town Forester approval and written confirmation from the Conservation Commission and an insurance binder in the amount of 1 million dollars. Seconded by Chairman Reynolds. A vote was taken. Motion passed 3 in favor; 1 opposed(Selectman Methot); 1 abstention(Selectman Cook).

Mr. Christensen asked if a Weare resident who is not a member of the club wants to know if they can use the trail how should he respond? The Board informed Mr. Christensen that they had given permission to the ATV club. Selectman McDonald

stated that if anyone else would like to use the trails, they will need to come before the Board in the same manner and ask permission.

4. DISCUSSION OF EMPLOYEE RAISES FOR 2004 - COLA

Chairman Reynolds asked the Board if they wish to use the percentage from the employee evaluations, and also if they are going to use a COLA? Chairman Reynolds stated that there are also employee concerns about whether the Town is covering health insurance 100%. Selectman Cook asked if they knew how much of an increase the insurance will be next year? Selectman McDonald responded that they are looking at around a 15% increase. Chairman Reynolds stated that he is not in favor of having a COLA in order to keep the insurance at 100%. Selectman Cook agreed. Selectman Methot stated that he is in favor of a COLA so they do not have to adjust the pay scale every couple of years. Selectman Cook suggested adjusting the pay scale according to COLA so it stays in line with inflation and employees will not be topping-out the scales. The Board discussed adjusting the pay scale each year in accordance with COLA. Selectman Petrain asked if the Police Department receives a COLA? She stated that she believes in fair and equal treatment. Selectman Cook stated that he believes in fair and equal treatment to a point and you cannot compare a Town Office employee to a Police Officer who put their lives on the line. He stated that they agreed to go with the State Police pay scale. Selectman McDonald stated that he believes the increase for the Police is a flat percentage each year. Selectman Petrain stated that if employee "A" receives COLA on top of a merit, then employee "B" should receive the same no matter what department they work in. Selectman McDonald stated that he is in favor of a COLA across the board. The Board discussed this. The Board agreed to have Mr. Christensen inform the department heads to adjust their budgets off the evaluation percentage. Chairman Reynolds stated that they should budget for the percentage as stated in each evaluation plus FICA, Medicare, etc.

5. REVIEW OF 2003 BUDGET

The Board reviewed the balance of the 2003 budget. Selectman McDonald stated that this is something they will need to review week to week. Chairman Reynolds asked the Board if they would like to request anything other than the weekly run off of the budget? Selectman Methot responded that he would like to see the General Fund breakdown. Selectman Cook instructed Mr. Christensen to ask all department heads to tie up any loose ends for 2003. He stated that anything above and beyond regular operational expenses be reviewed by the Board. Chairman Reynolds stated that there may be an opportunity to give bonuses if there is money available. Selectman Cook stated that he is

more concerned with covering the budgets that are over budget. Selectman Cook requested the estimated legal fees for the remainder of the year. Chairman Reynolds stated that the bottom line for legal is over budget and the Land Use bottom line is over budget as well.

6. 2004 BUDGETS & WARRANT ARTICLES

Chairman Reynolds stated that Mr. Knapp would like to come in next week and speak to the Board regarding the foreman position. Chairman Reynolds stated that Mr. Knapp would like to have this in his operating budget rather than on a warrant article and would like to discuss it with the Board. Selectman Cook stated that anything over and above basic operating expenses, he is in favor of putting it out on a separate warrant article. Chairman Reynolds stated that they have received department requests. He stated that the Board needs to vote on these. Selectman Petrain asked that if the change on the position of Land Use becoming full time is voted down, will it effect the current position? The breakdown for the Warrant Article was reviewed. Selectman Petrain stated that the wording needs to include only the additional time and cost. Selectman Methot agreed it needs to be worded correctly so the current position is not lost. Selectman McDonald stated that he thought the Board was going to decide which request they would like on warrant articles. Chairman Reynolds stated that the Board does not have to recommend all the warrant articles.

Selectman Cook stated that if you are not going to be able to attend the election, you should obtain an absentee ballot.

Chairman Reynolds requested that Mr. Christensen begin to prepare the warrant articles so they have a draft copy of the warrant to work from. Selectman Methot stated that there was a request back in August regarding Nichols Rd. and West Quaker St. with regard to discontinuing these roads. Selectman Cook stated that no one should accept petitioned articles except for the Town Clerk. Selectman Methot stated that he wrote up the article for the discontinuance of two roads. Chairman Reynolds asked the Board if there are any other budgets that they would like to have the department heads come in and review? Mr. Christensen stated that they have not received the cable budget as of yet. Chairman Reynolds stated that they are still waiting for the insurance figures and also the trash hauling fee from the Highway Department.

Chairman Reynolds stated that he had a conversation with the Police Chief last week concerning employee insurance being taken out of the individual budgets and put back on under the Selectmen's Office. He stated that the Police Chief was suppose to provide him

with some documentation regarding this, but he has not received it. Chairman Reynolds asked if the Board wanted to make the change or leave it as it is. Chairman Reynolds stated that he is waiting for the paperwork to make a decision. Selectman McDonald stated that the voters will be able to see why a budget has increased. Selectman Methot stated that the Police Department budget has not gone up at all if you take away the increase to insurance.

7. OLD BUSINESS

Lawn Care – Parks and Recreation -

Selectman McDonald stated that Parks and Recreation had a special meeting and met with all the contractors who bid on lawn care. He stated that the bid amounts were \$18,704, \$9,770, and \$5,750. Selectman McDonald stated that the committee questioned each contractor extensively due to all the trouble they had this past year. Selectman McDonald stated Parks and Recreation voted unanimously, with his abstention, to go with the highest bid. Selectman Cook stated that he feels they may have had some misinformation on one of the lower bids. He stated that the middle bid came from an established business, which has had the contract with the Town in the past without any issues. Selectman Cook stated he would have a hard time justifying an \$18,000 contract. Selectman McDonald stated he would be happy to inform them of Parks and Recreation's reasoning for the decision in a Nonpublic Session. Chairman Reynolds stated that it is unacceptable in his opinion to come to the Board with that choice because it is too much money and said if they do not like the other bids, they should put it back out to bid. Selectman McDonald stated that they would like to put the lawn care out on a warrant article. Selectman McDonald stated they feel the voters have spent a lot of money on the fields and will want to maintain them at a high level. Selectman Petrain stated that maintaining the fields at a high level does not necessarily mean charging double. Selectman Petrain stated that the middle bidder is very much aware of the money spent on the fields. The Board agreed to discuss this further in a Nonpublic Session later in the evening.

Building Code Effectiveness Grading Schedule –

Selectman Cook discussed a memo the Board received from the Insurance Services Office regarding building code effectiveness grading schedule. Selectman Methot stated that Insurance Services Office rates the effectiveness and quality of the building inspector for insurance purposes.

Commercial Plans -

Selectman Cook asked Mr. Christensen where the issue of subcontracting commercial plans stands. Mr. Christensen responded that everything is ready to go. Selectman Cook stated that they need to make sure there is a process in place and move forward.

Pass Through Engineering –

Selectman Cook requested Mr. Christensen ask the Land Use Coordinator what is involved in the amount in the budget for pass through engineering.

Pollyville –

Selectman Cook requested information on Piscataquog River Association and Pollyville wanting an easement on Town Land.

Manifests –

Chairman Reynolds authorized the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated December 4, 2003. Estimated Accounts Payable - \$225,000.00, Estimated Gross Payrolls - \$28,000.00. For an estimated total of \$253,000.00. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

Building Inspector –

Mr. Christensen informed the Board of a request from Mr. Everett Stone to remove his cell phone cost from the Police Department's budget and into his own. Chairman Reynolds asked Mr. Christensen to check if there is any cost involved with the change.

Current Use Penalty –

Mr. Christensen informed the Board he will be meeting with Mr. Bill Weber the following day to discuss issues regarding the current use penalty issue on his property.

8. NONPUBLIC SESSION

Chairman Reynolds moved that the Board of Selectmen enter into Nonpublic Session pursuant to the authority granted in RSA 91-A:3 II (c). Seconded by Selectman McDonald. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook – yes; Selectman Petrain – yes. Motion passed unanimously.

In Attendance: Chairman Reynolds, Selectman McDonald, Selectman Cook, Selectman Petrain, Selectman Methot, Mr. Robert Christensen.

Chairman Reynolds moved to come out of Nonpublic Session at 10:33 p.m. Seconded by Selectman McDonald. A roll call vote was taken. Selectman Methot – yes; Selectman McDonald – yes; Chairman Reynolds – yes; Selectman Cook– yes; Selectman Petrain – yes. Motion passed unanimously.

Chairman Reynolds made a motion to seal and restrict the minutes of the nonpublic session pursuant to the authority granted in RSA 91-A:3 III. Seconded by Selectman Petrain. A vote was taken. Motion passed unanimously.

Lawncare

Selectman McDonald made a motion to authorize The Cutting Blade municipal lawn care for \$18,704. Seconded by Selectman Cook. Selectman Cook stated that he believes they are in a better position this year with the contract they have and stated he cannot support going with the contract for The Cutting Blade. Chairman Reynolds stated that this bid is just too much money. A vote was taken. Motion failed 1 in favor(Selectman McDonald); 4 opposed.

Chairman Reynolds made a motion to accept the bid from Denning Outdoor Services for municipal lawn care in the amount of \$9,770 pending the budget. Seconded by Selectman Methot. A vote was taken. Motion passed unanimously.

9. ADJOURNMENT

Selectman Methot made a motion to adjourn at 10:44 p.m. Seconded by Chairman Reynolds. A vote was taken. Motion passed unanimously.

A True Record

Kelly Bumpus, Recording Secretary